

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:22-CR-372
§
CALEB JORDAN McCRELESS (1) §

**UNITED STATES' MOTION TO
MAINTAIN CUSTODY OF SEIZED PROPERTY**

The United States moves for an order allowing it to maintain and preserve seized property already in the custody of the United States. In support of this motion, the United States submits the following:

The Indictment in this case provides notice of the forfeiture of property pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c). The United States, in the Indictment and the Supplement to Notice of Forfeiture in Indictment, listed specific seized property. At this time, the United States has chosen to seek forfeiture through the criminal judicial process with respect to the property. In order to proceed with criminal forfeiture while still preserving the option of civil judicial forfeiture, the United States must “take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.” 18 U.S.C. § 983(a)(3)(B)(ii)(II); *see also* 18 U.S.C. § 983(a)(3)(C). The applicable criminal forfeiture statute, 21 U.S.C. § 853, authorizes the Court to issue orders to preserve the availability of property for forfeiture. *See* 21 U.S.C. § 853(e)(1)(providing that the Court may take “any other action to preserve the availability of property . . . for forfeiture”).

The United States, therefore, moves for an order that it preserve and maintain custody of the seized property, pending resolution of the criminal forfeiture proceedings.

Respectfully submitted,

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By: s/ Thomas Carter

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CERTIFICATE OF CONFERENCE

Counsel for Caleb Jordan McCRELESS, Attorney Allison Secrest, was contacted with respect to the relief sought by this motion and forwarded copies of both the Notice and this Motion to present to her client, who is currently incarcerated. As of this filing, the government is unaware whether this motion is opposed or unopposed by the defendant.

s/ Thomas Carter
THOMAS CARTER
Assistant United States Attorney

CERTIFICATE OF SERVICE

A copy of this document was filed via electronic court filing on November 14, 2022.

s/ Thomas Carter
THOMAS CARTER
Assistant United States Attorney

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CRIMINAL NO. 4:22-CR-372

ORDER TO MAINTAIN CUSTODY

Pending before the Court is the United States' Motion to Maintain Custody of Seized Property.

The Indictment in this case provides notice to the Defendants that in the event of conviction, the United States intends to seek the forfeiture of property as provided by Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c). The United States, in the Indictment and the Supplement to Notice of Forfeiture in Indictment, listed specific seized property.

Having considered the motion, the record, and the applicable law, the Court has decided to grant the motion. Accordingly,

It is ORDERED that, pursuant to 21 U.S.C. § 853(e)(1), the United States shall maintain custody of and preserve the seized property pending resolution of the forfeiture proceedings in this case.

Signed at Houston, Texas, this _____ day of _____ 2022.

HONORABLE SIM LAKE
UNITED STATES DISTRICT JUDGE